

**REMARKS**

The claims have been reviewed and amended for clarity. Specifically, the original and previously submitted claims have been reduced and consolidated to simplify the patent application. New Claims 53-68 are crafted from the original and previously presented claims to set out embodiments of the present invention in a more clear and concise manner. No new matter has been entered in any of these clarifying amendments or new claims.

It is respectfully submitted that these clarifying amendments and new more concise claims directed to the disclosed embodiments of the invention address the examiner's concerns based on Miller '604 and Zorn '324. Additionally, it is respectfully submitted that these clarifying amendments and new more concise claims place the application in condition for allowance.

Claim 1 has been amended to clarify that the invention is a method for creating electronic flyers regarding real estate and that the flyers can be viewed and transmitted over a computer network, unlike Miller '604, which is a relational database not intended for promoting real estate or other goods or services, and unlike Zorn '324, which is a magazine-based direct mailing assembly of a magazine and an advertisement. Claims 9-11 have been incorporated into amended Claim 1.

Claims 2-8 have not been amended in this response.

Claims 9-42 have been cancelled.

Claim 43 has been amended in a manner similar to the amendment of Claim 1.

Claim 44 has not been amended in this response.

Claim 45 has been cancelled.

Claim 46 has been amended to correct an antecedent basis issue.

Claim 47 has been cancelled.

Claim 48 has been amended in a manner similar to Claim 1.

Claim 49 has not been amended in this response.

Claim 50 has been cancelled.

Claim 51 has been amended to correct an antecedent basis issue.

Claim 52 has been cancelled.

Claim 53 is new and has been crafted to more concisely claim the method for creating and distributing flyers promoting real estate.

Claims 54-59 are new and depend from Claim 53, and claim additional features found in the original specification.

Claim 60 is new and is a combination of Claim 53 and several of Claims 54-59.

Claim 61 is new and depends from Claim 60, and claims an additional feature found in the original specification.

Claim 62 is new and has been crafted to more concisely claim the method for promoting events regarding the selling and buying of real estate.

Claims 63-67 are new and depend from Claim 62, and claim additional features found in the original specification.

No new matter has been added in any of these amendments.

Claims 1-11 and 43-52 have been rejected under 35 USC 103 as being obvious over Miller '604 in view of Zorn '324. Applicant traverses these rejections and submits that the claims, as amended, and the new claims are in condition for allowance. Briefly, The combination of Miller '604 and Zorn '324 does not teach Applicant's invention as claimed. As Miller '604 teaches a method for organizing data and Zorn '324 teaches an apparatus for facilitating advertising and promotional brochures to be attached to a magazine, the combination does not teach a method for creating and distributing electronic flyers in the real estate industry. Specifically, Applicant's method provides a means for a real estate agent to create a flyer related to a property and disseminate it to interested parties through a website.

The combination of Miller '604 and Zorn '324 do not suggest or teach the concept of generating a flyer to be seen by others, as required for an obviousness rejection under 35 USC 103, which requires examining (1) the scope of the *prior art*, (2) the *level of skill* in the art, and (3) the *differences* between the prior art and Applicant's invention. *Litton Systems, Inc. v. Honeywell, Inc.*, 117 SCt 1270 (1970). A mere suggestion to further experiment with disclosed principles would not render obvious an invention

based on those principles. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 19 USPQ2d 1432 (Fed. Cir. 1991). The fact that each element in a claimed invention may be mentioned in the prior art does not determine the nonobviousness of the claimed invention as a whole. See *Custom Accessories, Inc., v. Jeffrey-Allan Industries*, 1 USPQ2d 1196 1986 (Fed. Cir. 1986). The prior art must not be given an overly broad reading, but should be read in the context of the patent specifications and as *intended by reference authors*. *Durling v. Spectrum Furniture Co.*, 40 USPQ2d 1788 (Fed Cir 1996).

In fact, the combination of Miller '604 and Zorn '324 teaches away from Applicant's dynamic method to create and distribute flyers to interested parties. Applicant's method is not merely a database system for storing data as in Miller '604 or an assembly of an advertising insert and a magazine for use in mailing magazines as in Zorn '324. In sharp contrast, Applicant's method is not a relational database, which is what Miller '604 discloses and teaches, but rather is a method for constructing electronic flyers and electronically distributing them to others. Further, Applicant's method is not a method to simply generate paper flyers, which is what Zorn '324 discloses and teaches, but rather is a novel method for distributing flyers that saves time and money. As such, the combination of Miller '604 and Zorn '324 would teach away from Applicant's method because Applicant's method is not a method for storing data so as to create a paper promotional material to be mechanically printed for distribution through the paper mail services within a magazine, which is what the combination of Miller '604 and Zorn '324 would teach.

Finally, the objective evidence suggests that Applicant's invention is nonobvious. Nothing in the prior art shows a system for creating and distributing flyers as taught by Applicant's invention. In fact, the cited prior art teaches more effective methods for creating paper flyers for manual distribution. As such, if persons of ordinary skill in the art had Applicant's invention they would have used it. As the examiner did not find such a method, this is strong evidence that those of skill in the art did not have or contemplate such a method.

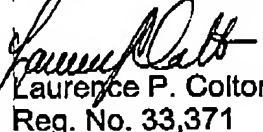
For these reasons, *inter alia*, Applicant requests the examiner reconsider and withdraw the 35 USC 103 rejection based on the combination of Miller '604 and Zorn '324.

**CONCLUSION**

Applicant has made clarifying amendments to the claims of this patent application for use in the request for continued examination (RCE). Applicant submits that the patent application and the claims are in condition for allowance and requests such action.

If the examiner has any final questions or concerns prior to allowance, please have the examiner contact the below signed attorney of record.

Respectfully submitted,  
POWELL GOLDSTEIN LLP



Laurence P. Colton  
Reg. No. 33,371

POWELL GOLDSTEIN LLP  
One Atlantic Center, Fourteenth Floor  
1201 West Peachtree Street, NW  
Atlanta, GA 30309-3488

Tel: 404.572.6710  
Fax: 404.572.6999  
E-Mail: [patents@pogolaw.com](mailto:patents@pogolaw.com)